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Filing date: **04/13/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|----------------------------------------------------------------------------------------------------------------|
| Proceeding | 92047067 |
| Party | Plaintiff John D. Brush & Co., Inc. d/b/a Sentry Group John D. Brush & Co., Inc. d/b/a Sentry Group , |
| Correspondence Address | Christopher P. Murphy Arent Fox LLP 1050 Connecticut Avenue, NW Washington, DC 20036 UNITED STATES |
| Submission | Motion to Consolidate |
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| Signature | /Leo M. Loughlin/ |
| Date | 04/13/2007 |
| Attachments | motion_t.pdf (3 pages)(65330 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOHN D. BRUSH & CO., INC.
DBA SENTRY GROUP

Petitioner

v.

Canc. No. 92047067

STUHLBARG INTERNATIONAL
SALES COMPANY, INC.
DBA SISCO

Registrant

MOTION TO CONSOLIDATE PROCEEDINGS

Petitioner John D. Brush & Co., Inc. DBA Sentry Group (hereinafter “Sentry”), moves pursuant to Fed. R. Civ. P. 42 (a) and TBMP § 511 to consolidate the above-referenced Cancellation proceeding with Opposition No. 91175089.


The Board has held that when cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. TBMP § 511; *S. Industries Inc. v. Lamb-Weston Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (both proceedings involved the same mark and virtually identical pleadings); *Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996), *rev'd on other grounds*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993) (opposition and cancellation consolidated); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382, 1384 n.3 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which

may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby. TBMP § 511.

Here, the proceedings involve marks containing the a distinctive flame design and the same questions of law and fact. Consolidation will be advantageous in terms of time and expense, and will not prejudice the parties. Accordingly, consolidation of the proceedings is respectfully requested. Sentry further requests that discovery and testimony periods be set to conform with the dates set in the Board's order of February 13, 2007 in Cancellation No. 92047067.

JOHN D. BRUSH & CO., INC.
DBA SENTRY GROUP

April 13, 2007

By 

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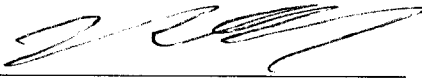
Attorneys for Petitioner

Certificate of Service

I certify that the foregoing has been served by first-class mail, postage pre-paid,
addressed as follows:

Gary M. Anderson, Esq.
FULWIDER PATTON LEE & UTECHT, LLP
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this 13th day of April, 2007


A handwritten signature in black ink, appearing to read "G. Anderson", is written over a horizontal line.